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Attorneys for Defendant
VL RAYMER

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

INDUSTRY CONCEPT HOLDINGS,
INC., a Colorado corporation and
PRIMP,
INC., a Colorado corporation,

Plaintiffs,

v.

ALAN ELGORT, an individual, GREG
LORBER, an individual, LARRY
MONTOKA, an individual, ANDREW
PAYNE, an individual, FANNY
GARCIA, an individual, PACIFIC

DOCUMENT FILED UNDER SEAL

Case No. CV 11-04444 CAS (JEMx)

**DECLARATION OF KAREN J.
BERNSTEIN IN SUPPORT OF
OPPOSITION TO ORDER TO
SHOW CAUSE RE PRELIMINARY
INJUNCTION AND SEIZURE
ORDER**

Date: July 7, 2011

Time: 10:00 a.m.

Place: Courtroom 5

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14 Attorneys for Defendant
 15 VL RAYMER

16 **UNITED STATES DISTRICT COURT**
 17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 18 **WESTERN DIVISION**

19 INDUSTRY CONCEPT HOLDINGS,
 20 INC., a Colorado corporation and
 21 PRIMP,
 INC., a Colorado corporation,

22 Plaintiffs,

23 v.
 24

25 ALAN ELGORT, an individual, GREG
 26 LORBER, an individual, LARRY
 27 MONTOYA, an individual, ANDREW
 28 PAYNE, an individual, FANNY
 GARCIA, an individual, PACIFIC

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1 APPAREL, LLC, a Nevada corporation,
 2 JULIE SAENZ, an individual,
 3 HAUTLOOK, a California corporation,
 4 MARQUETTE COMMERCIAL
 5 FINANCE, a Texas corporation, VL
 6 RAYMER, an individual, and JOHN
 7 DOES 1 through 10,

312 No. Spring Street
 Los Angeles, CA 90012

Complaint filed: May 24, 2011
 Trial Date: None Set
 Hearing Date: July 7, 2011

Defendants.

8 I, KAREN J. BERNSTEIN, declare as follows:

9 1. I am a member of the Bar of the State of New York and a Principal of the
 10 Law Offices of Karen J. Bernstein, LLC. My admission *pro hac vice* is pending
 11 before this Court to represent Defendant VL Raymer ("Ms. Raymer") in this matter. I
 12 have personal knowledge of the facts set forth herein.

13 2. I make this Declaration in support of VL Raymer's Opposition to Order to
 14 Show Cause re Preliminary Injunction.

15 3. On June 14, 2011, Ms. Raymer retained me through a referral for a
 16 consultation to investigate the merits of Plaintiffs' complaint as to Ms. Raymer.

17 4. On June 20, 2011, before Ms. Raymer formally retained my firm to
 18 represent her in this matter, I contacted Plaintiffs' counsel to discuss the Plaintiffs'
 19 meritless complaint and to try to convince Plaintiffs from continuing the present
 20 lawsuit. Plaintiffs' counsel refused to consider dismissing any of the claims made
 21 against Ms. Raymer and instead asked me whether my firm would accept, on Ms.
 22 Raymer's behalf, service of process of the Summons and Complaint in the instant
 23 action. Having not been formally retained by Ms. Raymer, I advised counsel I would
 24 not accept service of process.

25 5. On June 21, 2011, Ms. Raymer formally retained my firm to serve as lead
 26 counsel in this matter, but I am not admitted to practice before this Court, so suitable
 27 local co-lead counsel needed to be secured.

28 6. The firm of Leader Gorham, LLP was finally secured to serve as local co-

1 lead counsel for Ms. Raymer on June 30, 2011.

2 7. After the Leader Gorham firm had been secured to represent Ms. Raymer
3 in this matter, I contacted counsel for co-Defendant Marquette Commercial Finance
4 ("Marquette") to learn of the actions taken in this lawsuit thus far (since the instant
5 matter has been filed under seal), only to find out from Marquette counsel that the
6 OSC hearing on Plaintiffs' Application for a Preliminary Injunction ("Plaintiffs'
7 Application") had been adjourned to July 7, 2011 with opposing briefs due by June
8 23, 2011.

9 8. I also learned from Marquette's counsel that they were awaiting service of
10 Plaintiffs' First Amended Complaint.

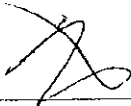
11 9. On July 5, 2011, I had a teleconference with Plaintiffs' counsel to advise
12 her that counsel for Ms. Raymer had been retained and that we were now authorized
13 to accept service of process of the papers filed in the litigation, including the First
14 Amended Complaint. I also again attempted to persuade Plaintiffs' counsel to dismiss
15 several of the claims, including the claims for trademark counterfeiting. Plaintiffs'
16 counsel advised me that she would not dismiss any of the claims against Ms. Raymer
17 and would serve the First Amended Complaint on Ms. Raymer's counsel at the July 7,
18 2011 OSC Hearing.

19 10. In addition, I asked Plaintiffs' counsel during our July 5, 2011
20 teleconference what Plaintiffs hoped to accomplish by obtaining a Preliminary
21 Injunction against Ms. Raymer, and was advised it was to prohibit Ms. Raymer from
22 using the Primp.com domain name.

23 11. I also advised Plaintiffs' counsel during our July 5, 2011 teleconference
24 that Ms. Raymer would be filing an opposition to Plaintiffs' Application and
25 Plaintiffs' counsel would not stipulate to the filing of Ms. Raymer's opposition brief.
26 Accordingly, I advised Plaintiffs' counsel that Ms. Raymer would be seeking leave of
27 Court to oppose Plaintiffs' Application and her counsel would be attending the July 7,
28

1 2011 OSC hearing.

2 I declare under penalty of perjury under the laws of the State of California and
3 the United States that the foregoing is true and correct. Executed this 6th day of July,
4 2011, at New York, New York.

5 
6 _____
7 Karen J. Bernstein

PROOF OF SERVICE
1013A(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1990 South Bundy Dr., Suite 390, Los Angeles, CA 90025.

On July 6, 2011, I served the foregoing document described as:
**DECLARATION OF KAREN J. BERNSTEIN IN SUPPORT OF
OPPOSITION TO ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION AND SEIZURE ORDER** on the interested parties in this action:

[X] BY OVERNIGHT: By placing the document(s) listed above in a sealed envelope addressed as set forth below, and causing the envelope to be delivered overnight by Federal Express ON THE FOLLOWING ONLY:

[X] BY E-MAIL: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above (or on the attached service list). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful ON THE FOLLOWING ONLY:

Scott Shaw, Esq. Debbie Gubernick, Esq. CALL & JENSEN 610 Newport Center Drive, Suite 700 Newport Beach, CA 92660	<u>Attorneys for Defendants – VIA EMAIL</u> Hautelook, Inc. Telephone: 949-717-3000 Facsimile: 949-717-3100 Email: sshaw@calljensen.com dgubernick@calljensen.com
Pacific Apparel, LLC 4501 E, 50th Street Vernon, CA 90058 Joseph Miranda Hoats, Esq. LAW OFFICES OF JOSEPH M. HOATS 12672 Limonite Ave., Suite 3E #345 Corona, CA 92880	<u>Defendant- VIA OVERNIGHT MAIL</u> Telephone: (323) 585-5281 Facsimile: (323) 585-3068 Email: glorber@lorberent.com <u>COURTESY COPY- VIA OVERNIGHT MAIL</u> Telephone: (31 0) 920-5806 Facsimile: (626) 529-0834
Greg Lorber Pacific Apparel, LLC	<u>Defendant- VIA OVERNIGHT MAIL</u> Telephone: (323) 585-5281

4501 E, 50th Street
Vernon, CA 90058

Facsimile: (323) 585-3068
Email: glorber@lorberent.com

Andrea Payne
Pacific Apparel, LLC
4501 E, 50th Street
Vernon, CA 90058

Defendant- VIA OVERNIGHT MAIL
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Facsimile: (323) 585-3068
Email: apayne@lorberent.com

Wendy Clare Freedman, Esq.
CLARE PAULIN LLP
9663 Santa Monica Blvd., Suite 368
Beverly Hills, CA 90210

Attorney for Plaintiffs Industry Concept Holdings, Inc. and Primp, Inc. - VIA PERSONAL DELIVERY
Telephone: 310-777-7590
Facsimile: 310-777-8831
E-mail: wendyfreedman@ca.rr.com

[X] BY PERSONAL SERVICE: by placing_ the original X a true copy thereof enclosed in sealed envelopes addressed as set forth below (or as addressed on the attached mailing_ list) and _gave it to a professional messenger service for service ON THE FOLLOWING ONLY:

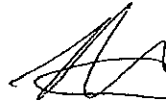
Judge's copy- via Hand Delivery

U. S. District Court
Chambers of Judge Cristina A. Snyder
312 North Spring Street, Courtroom 5
Los Angeles, CA 90012

Wendy Clare Freedman, Esq.
CLARE PAULIN LLP
9663 Santa Monica Blvd., Suite 368
Beverly Hills, CA 90210

[X] I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 6, 2011



Thao Vu